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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,609	12/21/2001	Bonnie Jean Vining	12780-361	4738
7590 05/21/2004				
CHARLES BERMAN, ESQ OPPENHEIMER WOLFF & DONNELLY LLP 2029 CENTURY PARK EAST, 38TH FLOOR LOS ANGELES, CA 90067				
		EXAMINER LE, UYEN T		
		ART UNIT 2171 PAPER NUMBER		

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Technology Center 2100

# Office Action Summary

Application No.

10/036,609

Applicant(s)

VINING ET AL.

Examiner

Uyen T. Le

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 1-52 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter because the claimed methods and system broadly interpreted merely read on a human being carrying out the claimed invention with paper and pencil.

### ***Claim Objections***

2. Claim 34 is objected to because of a likely typographical error at line 4, --rule— has to be inserted after “the new”.

Correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6, 16, 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because it is not clear what is being compared. Does applicant intend to mean comparing with the corresponding parameters of the new rule?

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

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obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jolly (US 5,592,590), provided by the applicant.

Regarding claim 1, Jolly discloses a method of eliminating redundant rules from a data administration system (see column 2, line 34- column 3, line 13). The claimed new rule broadly interpreted is met by any of the rules one, two and three shown in Table 1. The claimed comparing the new rule with an existing rule is met when Jolly shows how to determine whether a rule is covered, Although Jolly does not specifically show eliminating the existing rule when the new rule encompasses the existing rule, since the existing rule is covered and never executes, it would have been obvious to one of ordinary skill in the art to eliminate it in order to maintain consistency as taught by Jolly (see the abstract).

Regarding claim 2, the claimed at least one parameter is met by the conditions shown in Table 1.

Regarding claim 3, the claimed features are met when Jolly shows the parameter of rule one with the parameter of rule four shown in Table 1.

Regarding claim 4, Jolly discloses one parameter of the new rule defines a class of parameters when Jolly shows "Amount due", "Num due" in Table 1.

Regarding claim 5, Jolly clearly discloses event type in Table 1.

Regarding claim 6, Jolly discloses comparing each of the plurality of parameters when Jolly shows comparing rules one through four of Table 1.

Regarding claim 7, Jolly discloses determining precedence and comparing if the existing rule has precedence over the new rule when Jolly shows priority assignment (see column 1, lines 28-67).

Regarding claim 8, although Jolly does not specifically show determining whether the existing rule precedes the new rule in time, Jolly clearly shows that rules change often (see column 1, lines 35-38), Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed feature in order to eliminate expired rules.

Regarding claim 9, elimination clearly includes removing as claimed.

Regarding claim 10, Jolly discloses flagging when Jolly shows rule four is determined as being covered.

Regarding claim 11, Jolly teaches the concept of moving said rule o another table so that it is ignored (see Figure 2).

Claims 12-21, 45-52 essentially recites the limitations of claims 1-11, thus are rejected for the same reasons stated in claims 1-11 above.

Claims 22-33, 34-44 correspond to systems for claims 1-11, thus are rejected for the same reasons stated in claims 1-11 above.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schmidt (US 2003/0023593) teach real-time adaptive data mining system and method.

Kumar et al (US 2002/0042755) teach collaborative fulfillment in a distributed supply chain environment.

Pareschi et al (US 6,725,428) teach providing flexible representations of work.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T. Le whose telephone number is 703-305-4134. The examiner can normally be reached on M-F 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

17 May 2004



**UYEN LE**  
**PRIMARY EXAMINER**